



CITY OF FORT LAUDERDALE

**MEETING MINUTES
CITY OF FORT LAUDERDALE
CITIZENS' POLICE REVIEW BOARD
VIRTUAL MEETING
MONDAY, April 12, 2021 - 6:00 P.M.**

Board Members	Attendance	1/2021 – 12/2021 Cumulative Attendance	
		P	A
Christina Currie, Chair	P	4	0
Paul Eichner, Vice Chair	P	4	0
Sgt. Bernard Beck-O'Steen	P	2	0
Ofc. Sabrina Byer	P	2	0
Marc Dickerman	A	2	2
Lt. Avery Figueras	P	1	0
Antonya Johnson	P	4	0
Burnadette Norris-Weeks	A	2	2
Carol Lee Ortman	P	4	0

Staff

Salatheia Marion, Board Liaison
Lieutenant David Cortes, Internal Affairs
Jameson Jones, Vice President, Fraternal Order of Police
Brad Weissman, Assistant City Attorney

A. Roll Call

Chair Currie called the meeting to order at 6:00 p.m.

B. Review / Approve Minutes from March 8, 2021

Chair Currie ceded the gavel to Vice Chair Eichner at this time.

Motion made by Ms. Currie, seconded by Ms. Johnson, to amend the [March] 8 CPRB minutes to include:

- The motion and vote relating to the Board's recommendation of discipline in Case 20-029 at p.2
- To include at p.7 a clarification that the first motion in Case 20-045 was relating to Allegation 1
- To include the top of p.11 a clarification that Ms. Ortman's motion was to concur with/at the findings in 20-093

In a voice vote, the **motion** passed unanimously.

Motion made by Ms. Currie, seconded by Ms. Johnson, to approve the minutes as amended. In a voice vote, the **motion** passed unanimously.

[The gavel was returned to Chair Currie following the vote.]

C. Introduction of new Citizen Police Review Board Members

New Board members Sergeant Bernard Beck-O'Steen and Lieutenant Avery Figueras introduced himself at this time. It was noted that Officer Sabrina Byer is now a full-time Board member as well.

D. General Information

1. Draft Letter to Director Mize

Chair Currie recalled that at the March 8 meeting, during discussion of IA Case 20-093, she had offered to draft a letter recommending that the City be permitted to retain its own translation service to work with Police Officers rather than using the Broward Sheriff's Office (BSO) language line. She requested feedback from the Board members on how the letter might be improved.

Sgt. Beck-O'Steen advised that he felt the letter was accurate as drafted, noting that there will need to be more discussion at the City level regarding what changes might be made to the language line.

Ms. Ortman asked how many languages the language line is equipped to translate, as well as how the line itself works. It was determined that a copy of the policy would be sent from the Liaison's Office to the Board members as part of the record for review at the next scheduled meeting.

Motion made by Ms. Ortman, and duly seconded, to defer this to the next meeting. The **motion** passed by unanimous consent.

E. Review IA year-end report

Chair Currie noted that this report includes year-end statistics from Internal Affairs related to response to resistance and administrative review. She noted that in March 2020, the Board was provided with a 2019 Internal Affairs year-end report, which included numbers that did not match the 2019 numbers listed in the 2020 report's summary.

Lieutenant David Cortes of Internal Affairs advised that this issue was noted when the 2020 report was being compiled. He explained that the 2019 report included the most up-to-date information available at the time the report was compiled. He recalled that at a previous meeting, it was noted that use of force issues may take some time to be completed, particularly if they generate a paper trail or require further investigation and

clarification. As more information becomes available, reports may be adjusted to reflect changes.

Chair Currie expressed concern with the mention of a 14.9% increase in suspects being held at gunpoint, and asked if there is a threshold for types of force at which the Police Department would look into the reason for an increase. Lt. Cortes replied that policies are reviewed annually, and it is possible that there may be an alert regarding a specific individual in the Department's early intervention system. He pointed out that some increases may be due to multiple Officers' participation in a single incident. There is also some discussion within the Department regarding whether this should be listed as a show of force rather than use of force. The Department is looking at how other agencies report these incidents.

Chair Currie noted that the Fort Lauderdale Police Department publishes its City-wide crime statistics on its website and refers to them at community meetings, often reporting that these numbers are decreasing; however, to see a significant increase in suspects held at gunpoint can lead to increased concern. She concluded that she would like to see some analysis from the Police Department regarding why this number may be increasing.

Chair Currie also asked if the Department analyzes any possible ethnic or racial disparities in use of force. Lt. Cortes replied that all information regarding use of force incidents is entered into Internal Affairs' system. He added that some areas of the City may have more residents of a particular race or ethnicity than other areas. Chair Currie recommended that analysis of the incidents take race into consideration.

Chair Currie continued that there were no use of force incidents listed for May 31, 2020, when protests occurred within the City. She asked if there was a reason the date did not appear on the report. Lt. Cortes replied that to his knowledge, the dates on which use of force occurred are entered into the system. Chair Currie pointed out that the Board has recently reviewed cases from May 31, 2020, in which force was used. Vice Chair Eichner and Ms. Johnson both indicated that they would like to see more information on the inclusion of these uses of force as well.

Attorney Weissman advised that if the Board wishes to see more information on this issue, they would need to make a motion recommending specific action to be taken by the Police Department, which would be forwarded to both the Chief of Police and the City Manager.

Chair Currie ceded the gavel to Vice Chair Eichner at this time.

Motion made by Ms. Currie, and duly seconded, with regard to the 2020 Response to Resistance administrative review document that was provided to the Board, dated February 25, '21, to recommend further analysis into the 14.9% increase of Officers holding suspects at gunpoint. In a voice vote, the **motion** passed unanimously.

Motion made by Ms. Currie, seconded by Ms. Johnson, also in relation to the Response to Resistance administrative review for year 2020 dated February 25, 2021, to make a recommendation that the Fort Lauderdale Police Department conduct an analysis into whether there is any ethnic or racial disparity in use of force at this Police Department.

Lt. Figueras stated that while he understood the intent behind the inquiry into possible racial or ethnic disparity in use of force incidents, he was more concerned with whether or not the uses of force are correct within Department policy. He felt this was of more concern than the race or ethnicity of the individuals on whom force is used.

In a voice vote, the **motion** passed unanimously.

Motion made by Ms. Currie, seconded by Ms. Ortman, with regard to the 2020 Response to Resistance administrative review document that was provided to [the Board] and dated February 25, 2021, we would like clarification that all of the May 31, 2020 incidents relating to the protests are included in this annual report that [the Board] is getting.

Ms. Johnson asked if the **motion** is intended to clarify that these incidents are included in the report. Vice Chair Eichner stated that the **motion** was to include numbers for incidents on that date that were not included in the report.

Ms. Currie **amended** her **motion** as follows: to confirm that they are included. It was clarified that this referred to the events of May 31, 2021.

Ms. Johnson **seconded** the **amended motion**.

In a voice vote, the **motion** passed unanimously.

Vice Chair Eichner returned the gavel to Chair Currie at this time.

F. Note to Files Summaries

There was no discussion of this Item.

G. Review the following Internal Affairs Investigations

1. Complainant: Interim Chief of Police, Patrick Lynn (20-087)

Allegation: 1) Unauthorized access, use, dissemination, sharing or copying of information from law enforcement databases or web sites not related to legitimate business purposes. Examples of official law enforcement sites are, DAVID, FCIC, NCIC, DOJ, DJJ, etc. This includes, but is not limited to, idle curiosity and other personal use.

Officer: Michael Berndt (1637)

Disposition: 1) Sustained

Motion made by Ms. Johnson, seconded by Ms. Ortman, to concur with the [Sustained] findings of 20-087. In a voice vote, the **motion** passed unanimously.

Motion made by Vice Chair Eichner, seconded by Ms. Ortman, to agree with the proposed resolution of Case 20-087.

Chair Currie noted that the recommended discipline in Case 20-087 takes the form of a supervisor/employee interview. She recalled that when two similar cases came before the Board at their March 2021 meeting, the Board had asked if the Officers had any history of misuse of access to the databases listed above. While neither of those two Officers had any history of misuse, the recommended discipline was a letter of reprimand. Another case with the same allegation came before the Board in February 2021 as well, and the recommended discipline was again a letter of reprimand. She asked why the Officer in Case 20-087 did not receive a letter of reprimand as well.

Attorney Weissman noted that he did not have any additional information regarding this case or the recommended discipline. Lt. Cortes added that a new Chief or Interim Chief may determine the need for a different disciplinary response for a certain range of infractions.

Jameson Jones, representing the Fraternal Order of Police Lodge 31, explained that one reason why Case 20-087 has a different resolution than previous cases is because after hearing all facts and historical context of the two previous cases heard by the Board in March, the Chief of Police advised that he would change the discipline in those cases to the same discipline recommended in 20-087. He did not have information on hand regarding the similar case heard in February 2021.

In a voice vote, the **motion** passed unanimously.

Chair Currie requested an update regarding the Board's governing Ordinance and when this revised document might go before the City Commission. Attorney Weissman replied that the Ordinance is currently with the City Manager's Office, and recalled that the Fraternal Order of Police had expressed concern with some of the amendments made to the document. He did not have further information at this time.

The next CPRB meeting is scheduled for May 10, 2021.

There being no further business to come before the Committee at this time, the meeting was adjourned at 6:45 p.m.

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Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

[Minutes prepared by K. McGuire, Prototype, Inc.]